

# **EXHIBIT E**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE AMERICAN REALTY CAPITAL  
PROPERTIES, INC. LITIGATION

Civil Action No.: 1:15-mc-00040-AKH

CLASS ACTION

This Document Relates To:

ALL ACTIONS

JET CAPITAL MASTER FUND, L.P., *et al.*,

Plaintiffs,

v.

Civil Action No.: 1:15-cv-00307-AKH

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., *et al.*,

Defendants.

STIPULATION AND ~~PROPOSED~~ ORDER SETTING PRETRIAL SCHEDULE

WHEREAS, trial in this matter is scheduled to commence on January 21, 2020;

WHEREAS, on June 14, 2019, the Court entered an order scheduling a hearing on *Daubert* motions and motions *in limine* for September 9, 2019, and scheduling the Final Pretrial Conference for October 3, 2019;

WHEREAS, the parties have met and conferred concerning proposed pretrial deadlines; and

THEREFORE, IT IS STIPULATED AND AGREED, by and between the parties, subject to approval by the Court, as follows:

1. The following pretrial schedule shall apply in these proceedings:

#### **Witness Lists**

June 10, 2019	Initial Witness Lists Exchanged <sup>1</sup>
July 8, 2019	Deadline to Identify Any Witnesses Not Previously Deposed
July 26, 2019	Final Witness Lists Exchanged <sup>2</sup>

#### **Exhibit Lists**

July 19, 2019	Opening Exhibit Lists Exchanged <sup>3</sup>
August 12, 2019	Objections to Exhibit Lists Exchanged
August 13-21, 2019	Meet and Confer regarding Exhibit Lists

#### **Deposition Designations<sup>4</sup>**

August 8, 2019	Deposition Designations Exchanged
August 30, 2019	Cross Designations and Objections Exchanged

<sup>1</sup> All witness lists (including any supplemental or revised lists) should identify witnesses each party “Will Call,” “May Call,” and will submit “By Designation.”

<sup>2</sup> Witnesses can be added after this date on agreement or upon a showing of good cause.

<sup>3</sup> Exhibits can be added after this date on agreement or upon a showing of good cause. This exchange does not include demonstrative exhibits or exhibits which may be used solely for impeachment or in rebuttal.

<sup>4</sup> The exchange of deposition designations should include a chart documenting the lines designated and a pdf of each transcript with the relevant portions highlighted or marked. The parties will

September 13, 2019	Objections to Cross Designations Exchanged
September 16-18, 2019	Meet and Confer regarding Deposition Designations

#### **Proposed Pretrial Order**

September 23, 2019	Parties to Exchange Sections
September 30, 2019	File Final Proposed Pretrial Order, Pretrial Memoranda, Jury Charges, Special Verdict Forms, Witness Lists, Exhibit Lists, Deposition Designations, Jury Questionnaires, and Proposed Voir Dire Questions

#### **Motions *in Limine***

July 31, 2019	Motions and Opening Briefs Filed
August 16, 2019	Opposition Briefs Filed
August 28, 2019	Reply Briefs Filed

#### ***Daubert* Motions**

August 5, 2019	Motions and Opening Briefs Filed
August 21, 2019	Opposition Briefs Filed
August 30, 2019	Reply Briefs Filed

2. The dates in the “Witness Lists”, “Exhibit Lists”, and “Deposition Designations” categories, and the date for the parties’ exchange of sections of the proposed pretrial order, may be amended without court order by agreement of all parties.

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meet and confer to discuss logistics of appropriately combining the parties’ designations and objections for the Court’s review, including identifying appropriate colors for each party’s designated testimony and determining how objections will be documented.

DATED: July 3, 2019

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ORDER

IT IS SO ORDERED.

DATED: 7-8-19



THE HONORABLE ALVIN K. HELLERSTEIN  
UNITED STATES DISTRICT JUDGE